

HOUSE BILL 449
By Bowers

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 6, relative to parenting plans in juvenile court.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 6, Part 4, is amended by adding sections 2 through 7 of this act as new, appropriately designated sections.

SECTION 2. Except as otherwise provided in this section, in any action in juvenile court in which non-married parents of a minor child seek an order of child support or visitation, such parents shall agree to a permanent parenting plan.

SECTION 3. The permanent parenting plan for non-married parents in juvenile court shall:

- (1) Provide for the child's changing needs as the child grows and matures, in a way that minimizes the need for further modifications to the permanent parenting plan;
- (2) Establish the authority and responsibilities of each parent with respect to the child, consistent with the criteria in this part;
- (3) Minimize the child's exposure to harmful parental conflict;
- (4) Provide for a process for dispute resolution, before court action, unless precluded or limited by § 36-6-406; provided, that state agency cases are excluded from

the requirement of dispute resolution as to any child support issue involved. In the process for dispute resolution:

(A) Preference shall be given to carrying out the parenting plan;

(B) The parents shall use the designated process to resolve disputes relating to the implementation of the plan;

(C) A written record shall be prepared of any agreement reached in mediation, arbitration, or settlement conference and shall be provided to each party to be drafted into a consent order of modification;

(D) If the court finds that a parent willfully failed to appear at a scheduled dispute resolution process without good reason, the court may, upon motion, award attorney fees and financial sanctions to the prevailing parent; and

(E) Nothing in this part shall preclude court action, if required to protect the welfare of the child or a parent;

(5) Allocate decision-making authority to one (1) or both parents regarding the child's education, health care, extracurricular activities, and religious upbringing. The parents may incorporate an agreement related to the care and growth of the child in these specified areas, or in other areas, into their plan, consistent with the criteria in this part. Regardless of the allocation of decision-making in the parenting plan, the parents may agree that either parent may make emergency decisions affecting the health or safety of the child.

(6) Provide that each parent may make the day-to-day decisions regarding the care of the child while the child is residing with that parent.

(7) Provide that when mutual decision-making is designated but cannot be achieved, the parents shall make a good-faith effort to resolve the issue through the appropriate dispute resolution process, unless court action is required to protect the welfare of the child or a parent.

(8) Require the obligor to report annually on a date certain to the obligee, and the department of human services or its contractor in Title IV-D cases, on a form provided by the court, the obligor's income as defined by the child support guidelines and related provisions contained in title 36, chapter 5.

SECTION 4. Any permanent parenting plan shall include a residential schedule as defined in § 36-6-402(5). The court shall make residential provisions for each child, consistent with the child's developmental level and the family's social and economic circumstances, which encourage each parent to maintain a loving, stable, and nurturing relationship with the child. The child's residential schedule shall be consistent with this part.

SECTION 5. Nothing in this part shall interfere with the custody of a child born out of wedlock as provided in Tennessee Code Annotated, Section 36-2-303.

SECTION 6. Non-married parents of a minor child may agree in the permanent parenting plan, that the non-custodial parent will not seek parenting time with the minor child, even if the non-custodial parent is ordered to pay child support.

SECTION 7. Restrictions in the juvenile court parenting plan for non-married parents shall be the same as those provided in Tennessee Code Annotated, Section 36-6-406.

SECTION 8. The Tennessee code commission is requested to reserve Tennessee Code Annotated sections 36-6-415 through 36-6-450 and codify sections 2 through 7 of this act as sections 36-6-451 through 36-6-456.

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.